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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,582	08/23/2001	Doreen D. Jiang	782.1115	7884
21171	7590	12/27/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CORRIELUS, JEAN M	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/934,582

Applicant(s)

JIANG ET AL.

Examiner

Jean M. Corrielus

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on October 16, 2007, in which claims 1-28 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed on October 16, 2007, with respect to claims 1-25 and 27 have been fully considered and are persuasive. The 35 USC 103 rejection set forth in the last office action has been withdrawn. Applicant's arguments with respect to claims 26 and 28 have been fully considered but they are not persuasive.

Applicant asserted that Reformato does not teach or suggest "automatically updating the shared central subscriber directory including corresponding voice messaging subscriber information based on the update request, where the updated shared central subscriber directory is used by the different autonomous telephony messaging systems to route subscriber voice messages" as recited in claims 1, 24, 25, 26 and 28. The examiner disagrees with the precedent assertion. There is no mentioned of different autonomous telephony messaging system to route subscriber voice messages stated in claims 26 and 28. Claim 26 only recites the use of updating a shared centralized subscriber directory used across the autonomous voice messaging systems to route subscriber voice messages among the plural message systems; and claim 28 recites "routing a voice message to a second of the telephony systems using the updated shared directory". It is respectfully submitted that Reformato discloses the claimed "receiving a request for changing voice messaging subscriber information from a updating the voice messaging

subscriber information across each of the telephony messaging systems” (updating the voice messaging information, col.14, lines 24-35); and “routing a voice message to a second of the telephony systems using the updated voice messaging subscriber information” (updating the voice messaging system coming from a plurality of vendors, col.36-38; col.17, lines 58-col.18, line 10). However, Reformato does not explicitly disclose the step of appending the update request generated to a queue and reading each update request from the queue on a first-in first-out basis. On the other hand, Eshleman discloses the claimed feature “appending the update request generated to a queue and reading each update request from the queue on a first-in first-out basis”(as using a simple FIFO (First In First Out) queue to hold the update requests, and when each update request is processed, both steps are completed before de-queuing the request, wherein all read and write requests to the Cache database and to the DBMS server will conform to the required serializable transaction isolation level, see col.15, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reformato’ system by appending the update request generated to a queue and reading each update request from the queue on a first-in first-out, in the same conventional manner as disclosed by Eshleman. One having ordinary skill in the art would have found it motivated to use such a modification for the purpose of increasing efficiency of the application server by reducing the network traffic.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "computer readable storage". For the purpose of examination such 'computer readable storage' has been interpreted as "hard disk drive or CD-ROM".

Claim Objections

4. Claims 7 and 22-28 are objected to because of the following informalities: the preamble of claims 7 and 22-25 and 27-28 recites a method for automatically synchronizing a shared central subscriber directory server over a network". To be consistent with the preamble, the claim should amend to read as automatically updating the shared subscriber directory server in real-time based------. Claim 26 recites to perform operations. However, the operations are define by the claim, the specification does not provide antecedent basis for these terms in the claim. In fact, the computer readable storage should read "*A computer readable storage medium having instructions stored therein for automatically updating a voice messaging subscriber directory used to route subscriber messages across different autonomous telephone voice messaging systems*".

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claim 23 recites "a computer readable storage controlling a computer via a data structure for automatically updating a voice messaging subscriber directory. It is unclear how a computer readable storage, which is a disk drive would control a computer via a data structure. Applicant is advised to amend the claim to clarify such language in the claim. Also the preamble of the claims 7 and 22-28 recite "automatically updating". However, the body of the claim does not perform what is set forth in the preamble. In order to be consistent with the preamble, Applicant is advised to amend the body of the claims.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23, 24, 25 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 23 recites controlling a computer via a data structure. It appears that such of a data structure as claimed, according to the specification page 13, is software per-se. Software per SE is non-statutory subject matter under 35 U.S.C. 101.

Claim 24 is an apparatus contains a series of steps without a memory and a processor to be realized.

Claim 25 is an apparatus contains a series of steps without a memory and processor to be realized. Claim 26 recites a program for generating an update request. It appears that such a program, according to the specification, is a program per se. A program without embedded is computer storage medium to perform an instruction is a program per s . Software per SE is non-

statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reformato US patent no. 6,741,677 in view of Eshleman et al. (hereinafter "Eshleman") US patent no. 7,162,467.

As to claim 28, Reformato discloses the claimed "receiving a request for changing voice messaging subscriber information from a updating the voice messaging subscriber information across each of the telephony messaging systems" (updating the voice messaging information, col.14, lines 24-35); and "routing a voice message to a second of the telephony systems using the updated voice messaging subscriber information" (updating the voice messaging system coming

from a plurality of vendors, col.36-38; col.17, lines 58-col.18, line 10). However, Reformato does not explicitly disclose the step of appending the update request generated to a queue and reading each update request from the queue on a first-in first-out basis. On the other hand, Eshleman discloses the claimed feature “appending the update request generated to a queue and reading each update request from the queue on a first-in first-out basis”(as using a simple FIFO (First In First Out) queue to hold the update requests, and when each update request is processed, both steps are completed before de-queuing the request, wherein all read and write requests to the Cache database and to the DBMS server will conform to the required serializable transaction isolation level, see col.15, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reformato’ system by appending the update request generated to a queue and reading each update request from the queue on a first-in first-out, in the same conventional manner as disclosed by Eshleman. One having ordinary skill in the art would have found it motivated to use such a modification for the purpose of increasing efficiency of the application server by reducing the network traffic.

As to claim 26, Reformato discloses the claimed “generating an update request responsive to a voice messaging subscriber information change event in any of plural voice messaging subscriber information databases of respective autonomous voice messaging systems in response to a determination that said event is one of predetermined events requiring an update across the voice messaging systems” updating the voice messaging information, col.14, lines 24-35) and “updating a shared centralized subscriber directory used across the autonomous voice messaging systems to route subscriber voice messages among the plural message systems” (updating the

voice messaging system coming from a plurality of vendors, col.36-38; col.17, lines 58-col.18, line 10). However, Reformato does not explicitly disclose the claimed “wherein said request being appended to a queue and read each update request from the queue on a first-in first-out basis. On the other hand, Eshleman discloses the claimed feature “wherein said request being appended to a queue and read each update request from the queue on a first-in first-out basis”(as using a simple FIFO (First In First Out) queue to hold the update requests, and when each update request is processed, both steps are completed before de-queuing the request, wherein all read and write requests to the Cache database and to the DBMS server will conform to the required serializable transaction isolation level, see col.15, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reformato’ system by appending the update request generated to a queue and reading each update request from the queue on a first-in first-out, in the same conventional manner as disclosed by Eshleman. One having ordinary skill in the art would have found it motivated to use such a modification for the purpose of increasing efficiency of the application server by reducing the network traffic.

Allowable Subject Matter

11. Claims 1-6 are allowable in light of the Applicant's arguments and in light of the prior art made of record.

12. Claims 7-25 and 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and 101, set forth in this Office action.

Reasons for Indicating Allowable Subject Matter

13. The following is an examiner's statement of reasons for allowance: Upon searching a variety of databases, the examiner respectfully submits that "automatically updating the shared central subscriber directory including corresponding voice messaging subscriber information based on the update request, where the updated shared central subscriber directory is used by the different autonomous telephony messaging systems to route subscriber voice messages" in conjunction with all other limitations of the dependent claim 1 are not taught nor suggested by the prior art of record (PTO-892 and 1449).

Conclusion

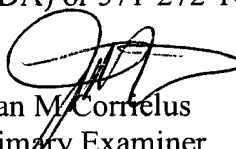
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Jean M. Cornelius
Primary Examiner
Art Unit 2162

December 24, 2007